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# Westmoreland Jury Hears 2 Veterans

## *Dangers of Home-Militia Forces Described*

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NEW YORK, Feb. 4—Two Vietnam veterans, using a defused grenade to show how booby traps killed men they called their "buddies," testified today about the dangers of the communist home-militia forces that retired Army general William C. Westmoreland has said were "civilians" and should not be counted as enemy troops.

However, the effect of their graphic testimony for CBS seemed diluted later in the day when the jury in Westmoreland's \$120 million libel action against the network and three men learned about a CBS executive's criticism of Westmoreland and CBS codefendant George Crile.

Reading from a transcript of an interview only recently allowed into the case, Westmoreland lawyer Dan M. Burt quoted CBS Executive Vice President Howard Stringer as saying Westmoreland "should have been fired years ago."

The comment, which Stringer apparently believed had been off the record, was made after the 1982 documentary at issue in the case.

Stringer also was quoted as saying of the broadcast, titled "The Uncounted Enemy: A Vietnam Deception," that he "didn't vet [examine] enough." He also is quoted as telling author Don Kowet: "George [Crile] is a conspiracy thinker," although in subsequent pretrial testimony, he denied having said that.

Earlier in the day, Army veterans H. Daniel Embree and Daniel Friedman were asked to comment on

Westmoreland's testimony that "we were not fighting" home-militia troops, which the general described as mainly "defensive."

"Those people were fighting us, and we were trying to fight them," said Embree, a West Point graduate sent to Vietnam in 1966 as a first lieutenant.

Friedman, who arrived there in November 1967 as a private first class with the 17th Armored Cavalry, said mines and booby traps laid by persons that U.S. troops often considered friendly were "our primary cause of concern . . ."

"I saw too many of my buddies go down because of them not to be concerned by them," said Friedman, who received two Purple Hearts and counsels veterans for New York State.

Their appearance marked one of the few times during the four-month trial that testimony focused on actual combat rather than on technical debate among intelligence officials about enemy strength.

As Friedman testified about Vietnamese villagers who waved one moment and fired the next, and Embree rigged a mock booby trap across the front of the witness stand, the realities of the ground war that ended almost 10 years ago for the United States were recreated graphically.

In a conversation out of the jury's hearing, Westmoreland attorney David M. Dorsen protested that "to have a witness just talk at some length as to buddies of his that were injured by mines and booby traps is inflammatory and essentially irrel-

evant and distorts the war, much less the case."

U.S. District Court Judge Pierre N. Leval told the lawyers that he would allow such a ground-level view of the war because, as he put it, "a substantial area of controversy in the case" has been how dangerous the home militia was.

At issue is whether the CBS documentary defamed Westmoreland in charging that he was part of a conspiracy to suppress higher enemy troop data in 1967 in order to maintain support for the war.

A key element in CBS' case is a May 1967 meeting at which Westmoreland's chief intelligence officer told him that enemy strength had increased, in part because of more accurate counts for the local militias, called "self-defense" or "secret self-defense" forces.

Westmoreland testified he felt that such forces should not be counted because "these were all men and women and young boys . . . really not a threat and . . . not dangerous to us because they were confined to the hamlets."

Friedman recalled that, when Vietnamese civilians were hired as barbers, "they would put up like a pole in the ground—they put their name or some sort of advertisement on that pole.

"And many times, unfortunately, after the fact, we noticed that they were staking these poles next to petroleum dumps or ammo dumps . . . and we would get hit with mortars that night or rockets . . . [that] would be very accurate . . . and the Vietnamese civilians did not show up the next day," he said.

Burt later read portions of a CBS critique of its show by senior executive producer Burton Benjamin. Leval did not allow Burt to tell the jury the nature of the report.

In the readings, Benjamin asked whether Crile felt that Westmoreland was "inept" during his CBS interview. "Yes," Crile responded, "he seems stupid."